

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

SHIRLEY KAY CORDONNIER

Claimant

VS.

SHEEHAN PIPELINE CONSTRUCTION

Respondent

AND

ST. PAUL FIRE & MARINE INSURANCE COMPANY)

Insurance Carrier

Docket No. 228,922

ORDER

Claimant appealed from the May 12, 1998, Order entered by Administrative Law Judge Julie A. N. Sample.

APPEARANCES

Davy C. Walker of Kansas City, Kansas, appeared for claimant. D'Ambra M. Howard of Overland Park, Kansas, appeared for respondent and its insurance carrier.

RECORD AND STIPULATIONS

The record considered by the Appeals Board consists of the May 11, 1998, motion hearing transcript together with the correspondence, pleadings, and other documents contained in the Division of Workers Compensation's administrative file.

ISSUES

Claimant refused to have any contact with respondent's vocational/medical management nurse and attempted to restrict access by that nurse to the authorized health care providers. Respondent filed a motion for an order terminating all benefits "until such time as the claimant authorizes the employer and carrier and their agents to communicate with the authorized treating physicians and obtain medical records documenting treatment. The respondent and carrier further request that the claimant be ordered to sign a medical authorization allowing the respondent, the insurance carrier, and their authorized agents,

to discuss this claim with the health care providers and to obtain medical records generated as a result thereof."

The ALJ declined to require that claimant cooperate with the medical case management nurse but ordered claimant to sign a medical release form that provides the employer and its insurance carrier and their agents with access to the treating physician, his records, and his referrals. There was also a question concerning claimant's cooperation with medical treatment, specifically physical therapy, but that issue was resolved by agreement between the parties. Claimant appealed stating the issues as follows:

"1. The Administrative Law Judge erred in her finding that medical case management should be allowed in this case.

"2. The Administrative Law Judge exceeded her authority in ordering the Claimant to sign an authorization which would provide the employer and its carrier and their agents with access to the treating physician, his records and his referrals.

"3. The Administrative Law Judge erred in not prohibiting the respondent from utilizing a medical case manager against the wishes of the Claimant."

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Appeals Board must first determine whether it has jurisdiction to consider this appeal from the ALJ's May 12, 1998, Order.

Although claimant's request for Appeals Board review describes this as an appeal of a preliminary hearing order pursuant to K.S.A. 44-534(a), the Board does not consider the ALJ's Order to be a preliminary hearing order. The Order was entered following a hearing on respondent's Motion to Terminate Benefits. There was no form E-3 Application for Preliminary Hearing and there was no issue concerning whether or not claimant had reached maximum medical improvement or was in need of further medical treatment. In fact, the parties agreed that claimant would continue with physical therapy as recommended by the treating physician, Dr. Richard J. Brennan. The respondent's motion sought to terminate medical treatment based upon K.S.A. 44-518 and K.A.R. 51-9-5. The ALJ's Order only dealt with issues concerning cooperation between claimant and the medical management nurse and communication between respondent and the health care providers. The Appeals Board views the respondent's rights concerning medical management and access to the treating physician, his records, and his referrals as separate issues from claimant's entitlement to medical benefits under K.S.A. 44-534a and, therefore, this is an interlocutory order not subject to review at this time. To the extent these issues may fall within "the furnishing of medical treatment" under K.S.A. 44-534a,

the Board finds that the ALJ did not exceed her jurisdiction. Thus, the appeal does not give rise to a jurisdictional issue.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that this appeal should be, and hereby is, dismissed.

IT IS SO ORDERED.

Dated this ____ day of August 1998.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Davy C. Walker, Kansas City, KS
D'Ambra Howard, Overland Park, KS
Julie A. N. Sample, Administrative Law Judge
Philip S. Harness, Director